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heart is a simple question – will clients and prospects want to buy what you offer? Some commentators have suggested that the Scottish image is no longer helpful, and that our reputation has evaporated alongside prudence.

But we are a durable lot, used to hardship and reinventing ourselves. Whilst on the face of it we look to be tarnished, and political- and media-led portrayals of differences continue to distract, the simple questions remain around the likelihood and also the level of sales.

Ultimately that has nothing to do with whether a business is based in Scotland or England, but on the vibrancy of the market, how well businesses understand and penetrate it, and how well the services fit its requirements. Nothing has changed in that department and nothing ever will. Those of us that are quickest to understand and react will continue to flourish. But it is almost impossible to flourish in a stagnant market, and the priority for Scotland-based lawyers must be to re-evaluate their market and adapt their businesses accordingly.

We can still punch above our weight, but success can only be achieved by keeping a close eye on how the market develops and ensuring that our businesses are nimble enough to adapt. For now, at least, change is the only certainty. Businesses that can keep pace with this change will emerge stronger for it. 

● Alan Campbell is managing partner, Dundas & Wilson

Reaching those in need

How can Scotland's legal profession and laws better reach those in need?

At the recent Scottish Legal Awards, Lord Paddy Ashdown made a telling observation that reckless bankers and Al-Qaeda flourish because they operate at a global level which circumvents the nation state, a global environment where the rule of law is all too often absent.

Protecting the financial security of Scottish citizens will require the type of new international legal solutions advocated by Prime Minister Gordon Brown. And I would argue that our financial meltdown is proof beyond doubt that a consumerist approach to vital services is no longer sustainable. The proposed alternative business structures for our legal profession represent a consumerist approach which offers nothing for vulnerable citizens.

How then can Scotland's legal profession and laws better reach those in need? This month's changes to the civil legal aid system, while welcome, do almost nothing for the poorest members of our society. The lower income threshold has risen by a mere £199 per annum, so those on certain benefits or low incomes still have to pay contributions which they cannot afford whilst they are repaying rent arrears and other liabilities.

An obvious solution would be to raise the lower eligibility limit for civil legal aid, and for that matter shift all of the bands upwards. This would enable private practitioners to provide more access to civil justice. But more resources should be targeted to provide at least one community law centre in each local authority area. Not an organisation to compete with private practice, but rather a free professional legal resource that could target unmet legal need locally.

We need to start challenging the fact that too many of our laws and legal remedies are inaccessible, while too many of our public and private bodies ignore the law as a matter of course – and if most citizens have no real legal remedy, is it any wonder? We have too many paper rights and

not enough real ones in Scotland.

For example, most social tenants cannot force their public landlords to carry out major repairs; most homeowners facing repossession don't have the money to pay the Scottish Legal Aid Board to hire a lawyer; and our law on disability rights looks great on paper but how much difference has it made to people with significant impairments in real life?

Sometimes we can get so caught up in the process of law, we forget that the process is only there to deliver a solution for human beings, whether that be resolving conflict or disputes fairly, or righting the wrongs of companies, bodies or individuals. We need to do much more to develop accessible remedies and solutions. And we need to introduce proportionality of cost with the value of the dispute wherever possible.

I also believe we should be challenging the burgeoning and aggrandising of our Scottish Legal Aid Board. The Board has doubled in staff size and operational costs while its budget hasn't moved much over the last decade. It is wrong in principle for the paymaster of legal services to become a key provider of those services. Increasingly, we are seeing this both in the criminal defence and civil law side of our profession.

This growth does not represent best value for clients in need, nor does it encourage innovation. For example, a sizeable chunk of the £3m going to the Board to help prevent homeowner repossession will be used by the Board to employ another team of its own solicitors. These solicitors will be subject to the same means testing rules which prevent homeowners being able to access legal representation. In England, money has been put into schemes where free representation is provided at the county court by solicitors.

So let's redirect some of the Board's self-funding or operational costs to the front line – let's use this public money to create an independent community law centre in every local authority area across Scotland. A centre that doesn't have to means test, and a centre that can target the unmet legal needs of the most vulnerable of our citizens at a local level. 

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